

AMENDED IN ASSEMBLY APRIL 15, 2009

AMENDED IN ASSEMBLY MARCH 25, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 223

**Introduced by Assembly Members Ma and Lieu
(Principal coauthor: Assembly Member Cook)**

February 4, 2009

An act to add Section 51230.1 to the Education Code, relating to physical education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 223, as amended, Ma. Physical education: Junior Reserve Officers' Training Corps.

Existing law provides that the governing board of any school district maintaining a secondary school may establish in the school courses in military science and tactics complying with the laws of the United States made and provided with reference to Reserve Officers' Training Corps units in educational institutions.

This bill would make findings and declarations concerning the value of Junior Reserve Officers' Training Corps (JROTC) programs. This bill would require the San Francisco Board of Education to make JROTC courses available to pupils under its jurisdiction in grades 9 to 12, inclusive, *at all schools within the district where JROTC courses were offered during the 2008–09 school year if it also makes athletic programs available to those pupils.* ~~Because this bill would require a school district to provide a higher level of service and to perform~~

~~additional administrative tasks, this bill would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~yes~~-no.~~

~~State-mandated local program: ~~yes~~-no.~~

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) The Junior Reserve Officers' Training Corps (JROTC) is a
4 leadership and citizenship program offered before, during, and
5 after school in public high schools that fosters character
6 development, pupil achievement, leadership skills, wellness and
7 physical fitness, and civic responsibility.

8 (b) The mission of the JROTC program is "To Motivate Young
9 People to be Better Citizens."

10 (c) Pupils and instructors in the JROTC program volunteer
11 thousands of community service hours to their schools and
12 communities.

13 (d) Pupils of all genders, races, and sexual orientations
14 participate in the JROTC program. Openly gay, lesbian, bisexual,
15 and transgender pupils number among the cadets and cadet
16 leadership staff.

17 (e) The JROTC program has been cited by program alumni,
18 parents, principals, counselors, and teachers as supporting at-risk
19 high school pupils.

20 (f) Over 90 percent of JROTC program participants go on to
21 college.

22 (g) In November 2008, the voters of the City and County of San
23 Francisco overwhelmingly passed Proposition V by nearly 55
24 percent urging the San Francisco City Unified School District to

1 support the JROTC program by continuing to make it available to
2 district pupils.

3 (h) The JROTC curriculum contains a rigorous and intense
4 physical-education *activity* component that motivates pupils toward
5 a lifelong commitment to physical fitness and health.

6 SEC. 2. Section 51230.1 is added to the Education Code, to
7 read:

8 51230.1. Consistent with the authority afforded to the governing
9 board of any school under Section 51750, the San Francisco Board
10 of Education shall make Junior Reserve Officers' Training Corps
11 (JROTC) courses available to pupils under its jurisdiction in grades
12 9 to 12, inclusive, *at all schools within the district where JROTC*
13 *courses were offered during the 2008–09 school year if it also*
14 *makes athletic programs available to those pupils.*

15 SEC. 3. The Legislature hereby finds and declares that due to
16 unique circumstances relating to the City and County of San
17 Francisco, a general statute cannot be made applicable within the
18 meaning of Section 16 of Article IV of the California Constitution.

19 ~~SEC. 4. If the Commission on State Mandates determines that~~
20 ~~this act contains costs mandated by the state, reimbursement to~~
21 ~~local agencies and school districts for those costs shall be made~~
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
23 ~~4 of Title 2 of the Government Code.~~

24 ~~SEC. 5.~~

25 SEC. 4. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety within
27 the meaning of Article IV of the Constitution and shall go into
28 immediate effect. The facts constituting the necessity are:

29 In order to ensure that Junior Reserve Officers' Training Corps
30 continue in existence in the San Francisco City Unified School
31 District with as high a rate of pupil participation as possible, it is
32 necessary that this measure take effect immediately.